UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
PEYTON, TAMMARA R

ART UNIT	PAPER NUMBER
2182	

DATE MAILED: 01/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the c ver sheet with the c rrespondence address --

Peri d for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _07 November 2003_ .

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _41-44_ is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _41-44_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

  If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a) ☐ All b) ☐ Some * c) ☐ None of:

    1. ☐ Certified copies of the priority documents have been received.

    2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

  a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

1.   Claims 41 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable

over *Roskowski et al.*, patent number 5,624,316.

2.   As per claims 41 and 43, *Roskowski* teaches an information processing

apparatus (Fig.1) comprising:

- a processor (CPU, 33, Fig.2) for executing a booting program to start up

  said information apparatus; and

- a data store (ROM, 20, Fig.2) for storing said boot program and a first

  startup image data,

- a recording medium removably (via smart card, 45, coupled to enhancer,

  4, Figs. 1, 2) connected to the information processing apparatus for   .

  storing a second startup image data (ROM, 28, Fig.2) and other data;

- whereby if said boot program is executed when said recording medium is

  not connected to the information processing apparatus, an image of said

first startup image data is displayed, and if said boot program is executed

when said recording medium is connected to the information processing

apparatus, an image of said second startup image data is displayed.

3.   *Roskowski* teaches wherein said processor executes a boot program from either

a first data store, from an existing game cartridge, 1, Figs. 1, 2, or a second data store,

from ROM, 28 implement in the enhancer 4. The enhancer is also able to accommodate

a smart card, 15, which contain additional data. (Figs. 1, 2) The removable smart

card/enhancer combined or just the enhancer contains a booting program to start up

said information processing apparatus. It would have been obvious to one of ordinary

skill that *Roskowski* teaches that depending on an enabled/disabled switch (44, Fig.1)

said processor would selectively boot a start up program from either a first data store

(ROM, 20) or second data store (smart card/enhancer) wherein the second data store is

removable. (Abstract, col. 5, lines 25-65, col. 6, lines 1-65, col. 8, lines 45-col.9, lines 1-

4, col. 12, lines 58-col. 13, lines 1-17).

4.   Claims 42 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable

over *Roskowski et al.*, patent number 5,624,316 and *Watanabe et al.,* EP0844554A2

(IDS submitted in Paper #3).

5.   As per claims 42 and 44, *Roskowski* does not teach said boot program including

a security check program to determine whether said recording medium is genuine.

However, *Watanabe* teaches an information processing apparatus (10, Figs. 1,2) that includes a security check program wherein a security ID (20b, Fig.3, pg. 6, col. 10, 46-48) stored in a recording medium (*Watanabe*, ROM,20, Figs. 1, 8) is checked to determine if the recording medium is genuine and if the recording medium is genuine image data stored on the recording medium is displayed. (*Watanabe*, pg. 7, col. 12, lines 48-58, pg. 10, col. 17, lines 5-44)

6.   It would have been obvious to one of ordinary skill at the time the invention was made to implement the security check taught by *Watanabe* with *Roskowski* because doing so would enable *Roskowski* to check the authenticity of *Roskowski's* recording medium in order to ensure that the user is aware that correct type of recording medium is connected. (*Watanabe*, pg. 10, col. 17, lines 37-39)

7.   Claims 41 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over *James, Jr. et al.,* (US 6,240,519).

8.   As per claims 41 and 43, *James, Jr.* teaches an information processing apparatus (computer) comprising:

- a processor (32, Fig.2) for executing a booting program to start up said information apparatus (Fig.1); and

- a data store (ROM, 78, Fig.2) for storing said boot program and a first startup image data,

- a recording medium removably (Floppy Disk, 74, Fig.1) connected to the information processing apparatus for storing a second startup image data (ROM startup image) and other data;

- whereby if said boot program is executed when said recording medium is not connected to the information processing apparatus, an image of said first startup image data is displayed, and if said boot program is executed when said recording medium is connected to the information processing apparatus, an image of said second startup image data is displayed. (*James, Jr.*, col. 8, lines 53- col. 9, lines 1-42, Fig.7)

9.   *James, Jr.* teaches determining if a floppy disk is present in floppy drive of the information apparatus. If the floppy disk is present the information apparatus boots from the floppy disk, if the floppy disk is not present the information apparatus boots from ROM, 78. The floppy disk contains a ROM startup image program and obviously has a data storage area.

10.   Claims 42 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over *James, Jr. et al.,* (US 6,240,519) and *Platteter et al.,* (US 5,093,915), IDS submitted in Paper #4).

11.   As per claims 42 and 44, *James, Jr.* does not teach said boot program including

a security check program to determine whether said recording medium is genuine.

However, *Platteter* teaches determining whether the floppy disk contains a valid boot

sector and if it does the boot program will read the floppy disk. (*Platteter*, col. 7, lines 1-

35)

12.   It would have been obvious to one of ordinary skill at the time the invention was

made to implement the authenticity check taught by *Platteter* with *James,Jr.'s*

information processing apparatus. Doing so would ensure that valid bootable files will

always be checked and implemented by the booting program of *James, Jr.'s* information

processing apparatus. (*Platteter*, col. 7, lines 15-21)

Conclusion

Applicant's arguments with respect to claims 41-44 have been considered but are

moot in view of the new ground(s) of rejection. Applicant's amendment necessitated the

new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION**

IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of

time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Tammara Peyton whose telephone number is (703)

306-5508. The examiner can normally be reached between 6:30 - 4:00 from Monday to

Thursday, (I am off every first Friday), and 6:30-3:00 every second Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jeffrey A. Gaffin, can be reached on (703) 308-3301. The fax phone

number for the organization where this application or proceeding is assigned is (703)

305-3718. Any inquiry of a general nature of relating to the status of this application

should be directed to the Group receptionist whose telephone number is (703) 305-

3900.

Mailed responses to this action should be sent to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231.

Faxes for Official/formal communications intended for entry should be sent to:

(703) 746-7238, After Final (703) 746-7239

or, for informal or draft communications, to:

(703) 746-7240 (please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to:

Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor

(Receptionist).

Tammara Peyton

January 12, 2004

Rehana Perveen
Primary Patent Examiner
Art Unit 2182